

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARLENE EVANS, ADELLA BAOVA,)
and NADIA JARRETT) Civil Action
) No. 1:13-cv-1295-WSD
Plaintiffs,)
v.)
) JURY TRIAL DEMANDED
QUEST DIAGNOSTICS CLINICAL)
LABORATORIES, INC.,)
)
Defendant.)
)

JOINT MOTION FOR REVIEW AND APPROVAL
OF SETTLEMENT AND GENERAL RELEASE AGREEMENTS AND FOR
DISMISSAL WITH PREJUDICE

Plaintiffs Marlene Evans, Adella Baova, and Nadia Jarrett (collectively “Plaintiffs”) and Defendant Quest Diagnostics Clinical Laboratories, Inc., (“Quest Diagnostics” or “Defendant” or “Company”) (collectively “Parties”), by and through undersigned counsel for Plaintiffs and Defendant, respectfully move this Court for a review and approval of the “Confidential Settlement Agreement and General Release” for each Plaintiff, and if approved by this Court, for a dismissal with prejudice of this lawsuit. As grounds for this Motion, the Parties show the Court as follows:

1. Plaintiff Marlene Evans filed the above-captioned lawsuit in this Court on April 19, 2013, claiming Defendant did not fully pay Plaintiff, and other “similarly situated employees,” all federally mandated overtime wages in violation of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 *et seq.* (hereinafter the “FLSA”). (See generally Dkt. No. 1). In addition, Plaintiff Evans sought relief on behalf of herself and a collective class of other “similarly situated employees” individuals pursuant to 29 U.S.C. § 216. (Id. at ¶ 18).

2. Defendant timely filed its Answer to Plaintiff’s Complaint on May 28, 2013, denying that it did not fully pay Plaintiff Evans, and denying that it did not fully pay other “similarly situated employees,” all federally mandated overtime wages in violation of the Fair Labor Standards Act. (See Dkt. No. 8).

3. On August 5, 2013, Plaintiff Evans filed a Consent Motion for Leave to File Plaintiffs’ First Amended Complaint. (See Dkt. No. 17). The Court granted Plaintiff’s motion on August 17, 2013. (See Unnumbered Order by docket text entry, August 7, 2013).

4. Plaintiffs Marlene Evans, Adella Baova, and Nadia Jarrett filed their “First Amended Complaint For Damages” on August 7, 2013. (See Dkt. No. 18). As part of their First Amended Complaint, Plaintiffs Adella Baova and Nadia Jarrett joined Plaintiff Marlene Evans as named Plaintiffs. (Id.) In addition, as

part of their First Amended Complaint, Plaintiffs no longer sought relief on behalf of a collective class of other “similarly situated employees” pursuant to 29 U.S.C. § 216. (Id.).

5. After further discussions regarding the lawsuit, the Parties attended a mediation proceeding before a private mediator, in an attempt to resolve this matter without the need for engaging in further litigation or discovery. The mediation was successful.

6. Based upon the understandings and assessments of each party, the Parties, acting at arm’s length and in good faith and with the advice of counsel, have negotiated and entered into a “Confidential Settlement Agreement and General Release” (“Settlement Agreements”) for each individual Plaintiff.

7. Pursuant to Lynn’s Food Stores, Inc. v. United States of Am., 679 F.2d 1350, 1353 (11th Cir. 1982), judicial approval is required to give effect to Plaintiffs’ release of their FLSA claims, which is material to their Settlement Agreements.

8. The Parties have submitted a Proposed Order granting their Joint Motion and approving each Plaintiff’s Settlement Agreement. (See “Proposed Order Approving Settlement Agreements,” attached as Exhibit “1”).

9. The Parties have also submitted copies of the individual Settlement Agreements applicable to Plaintiffs Marlene Evans, Adella Baova, and Nadia Jarrett, for this Court's review and approval, which are attached to this Joint Motion as Exhibits "2," "3," and "4."

10. The Parties further request that the Court retain jurisdiction over this matter and incorporate the Settlement Agreements into its Order granting this Motion.

11. Provided the Court approves the Settlement Agreements, the Parties also stipulate to and request that the Court enter a Stipulation of Dismissal dismissing this lawsuit with prejudice. (See "Proposed Order Regarding Stipulation of Dismissal and Dismissing Lawsuit with Prejudice," attached as Exhibit "5").

WHEREFORE, the Parties respectfully request that this Court review and approve the "Confidential Settlement Agreement and General Release" for each Plaintiff, and dismiss this lawsuit with prejudice.

/s/ *V. Severin Roberts*
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/s/ *Benson E. Pope*
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1 of the Local Civil Rules for the Northern District of Georgia, I hereby certify that this pleading has been prepared in compliance with Local Rule 5.1(C).

/s/ Benson E. Pope

Benson E. Pope

Georgia Bar No. 583730

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Defendant.

CIVIL ACTION
NO. 1:13-CV-1295-WSD

CERTIFICATE OF SERVICE

I hereby certify that on November 12th, 2013, I electronically filed the foregoing **Joint Motion for Review and Approval of Settlement and General Release Agreements and For Dismissal with Prejudice** with the Clerk of Court using the CM/ECF system, which will automatically generate notice of such filing to the following attorneys of record:

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/s/ Benson E. Pope

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